

## GOVERNMENT OF ANDHRA PRADESH

### ABSTRACT

Public Services- Police Department – Request of Sri. M.R. Krishna Mohan and Sri. K.V. Surendra Naidu, SI of Kurnool Range to review their seniority in terms of rule 15(a) of the A.P.Police Subordinate Service Rules, 1959 and restore their original placement along with their direct recruit Sis of 1995 batch- duly withdrawing the orders issued in G.O.Rt.No.1509, Home(Ser.II) Department dt. 09.09.2011- Orders – Issued.

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### HOME(SER.II) DEPARTMENT

G.O.Rt.No.1166

Dated:20-10-2014

Read the following:-

- 1) G.O.Rt.No.2616, Home(Pol.C) Department, dt. 7.9.1999.
- 2) Rept. of Sri. M.R.Krishna Mohan and K.V.Surendra Naidu dt. 9.2.2009 and 29.7.2009.
- 3) G.O.Rt.No.1509, Home(Ser.II) Dept, dt. 9.9.2011.
- 4) Rept of Sri. M.R. Krishna Mohan and Sri. K.V. surendra Naidu, SI of Police, Kurnool. Dt.29.10.2011 and 31.10.2011
- 5) Govt.Memo.No.32246/Ser.II/A1/2011 dt. 21.11.2011.
- 6) Govt.Memo.No.32090/Ser.II/A1/2011, dt. 17.8.2013
- 7) From the DGP,AP,Hyd. Lr.No.523/E2/2009, dt.07.02.2014.

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### Order:

In the G.O. 1<sup>st</sup> read above, order were issued extending the probation by one year and to avail additional chance to write balance subjects during that period as a special case and as a one time measure in respect of Sri. M.R. Krishna Mohan and Sri.K.V. Surendra Naidu of SIs of 1995 batch of Kurnool range along with others, by relaxing rule 17(b) of A.P. State Subordinate Service Rules, 1996.

2. In the reference 2<sup>nd</sup> read above both the individuals have requested Government for restoration of their seniority along with their batch mates of 1995 batch as they passed the requisite tests within the time as extended by Government.

3. After examining their representations in consultation with the Director General of Police, Andhra Pradesh, Hyderabad, orders were issued in the G.O. 3<sup>rd</sup> read above to fix the date of commencement of probation of Sri. M.R. Krishna Mohan and Sri.K.V. Surendra Naidu SIs from 2.3.1998 and in respect of Sri. K. jagannadha Reddy, SI of Police w.e.f. from 15.10.1998 i.e. the date on which they passed the requisite tests in terms of Rule 16(h) of APSSR, 1996, and requested the Director General of Police to take follow up action to fix their seniority accordingly.

4. In the representation 4<sup>th</sup> read above Sri. M.R. Krishna Mohan and Sri.K.V. Surendra Naidu Sis have contended that the provisions contained in Rule 16(h) do not apply in their case and their seniority have to be fixed according to rule 15(a) of A.P.Police Subordinate Service Rules, 1959 read with G.O.MS. 374 Home(Pol.C) Department dt, 14.12.1999, and therefore requested to review their case accordingly.

5. After reviewing the entire issue Government have observed that rules made under proviso to article 309 of the Constitution for a transitory period and the same would give way to the special rules once framed. However, if a statute or rules made there under was/were already operative in the field, the General rules made under proviso to article 309 would not apply to the Services created there under. Further rule 1(d) of the AP State and subordinate Service Rules, 1996, which deals with relation to special rules specifies that " if any provision in these rules are repugnant to the provisions in the special rules applicable to any particular service in regard to any

specific matter, the latter shall, in respect of such service and such specific matter, prevail over the provisions in these rules.

6. Government after taking all the above aspects into account, hereby order that the seniority in respect of Sri. M.R. Krishna Mohan and Sri.K.V. Surendra Naidu SIs of Kurnool range be fixed according to rule 15(a) of A.P.Police Subordinate Service Rules along with SIs of 1995 batch at appropriate place, duly withdrawing the orders issued in G.O.Rt.No.1509, Home (Ser.II) Dept, dt. 9.9.2011.

7. The Director General of Police, Andhra Pradesh, Hyderabad, shall take follow up action after following the due procedure.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DR. B. PRASADA RAO  
PRINCIPAL SECRETARY TO GOVERNMENT

To  
The Director General of Police, Andhra Pradesh, Hyderabad  
Copy to:  
The Individuals (Through DGP)  
The Accountant General of Andhra Pradesh, Hyderabad.  
The Director of Treasuries & Accounts, Hyderabad.  
SF/SC

//FORWARDED::BY ORDER//

SECTION OFFICER